

DECLARATORY
~~IMPROVEMENT~~
Improvement Res. No. 1101-1963

For the Vacation of the alley between
First Street and Second Street from the
west property line of Harrison Street to
the east property line of Cass Street.

Resolution Adopted: March 25, 1963

Confirmed: WAIVED

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

April 3, 1963

B.O. 195-'62

DECLARATORY RESOLUTION NO. 1101-1963

For the Vacation of the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street.

PLANS ORDERED: Oct. 10, 1962

ADOPTED: March 25, 1963

ADVERTISE NOTICE TO PROPERTY OWNERS: WAIVED

HEARING ON CONFIRMATION: WAIVER signed by all property owners.

CONFIRMED:

ASSESSMENT ROLL ORDERED: March 25, 1963

ASSESSMENT ROLL APPROVED:

HEARING ON CONFIRMATION
OF ASSESSMENT ROLL: WAIVED

NOTICE SERVED:

ASSESSMENT ROLL CONFIRMED: April 3, 1963

For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ of the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street.

All as shown by a plan of such proposed Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lots 69 to 80 inclusive, North Side Addition. Said addition is inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

~~The vacation of the above described _____ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described vacation are situated in the north one half of Section Two, Township 30 North, Range 12 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

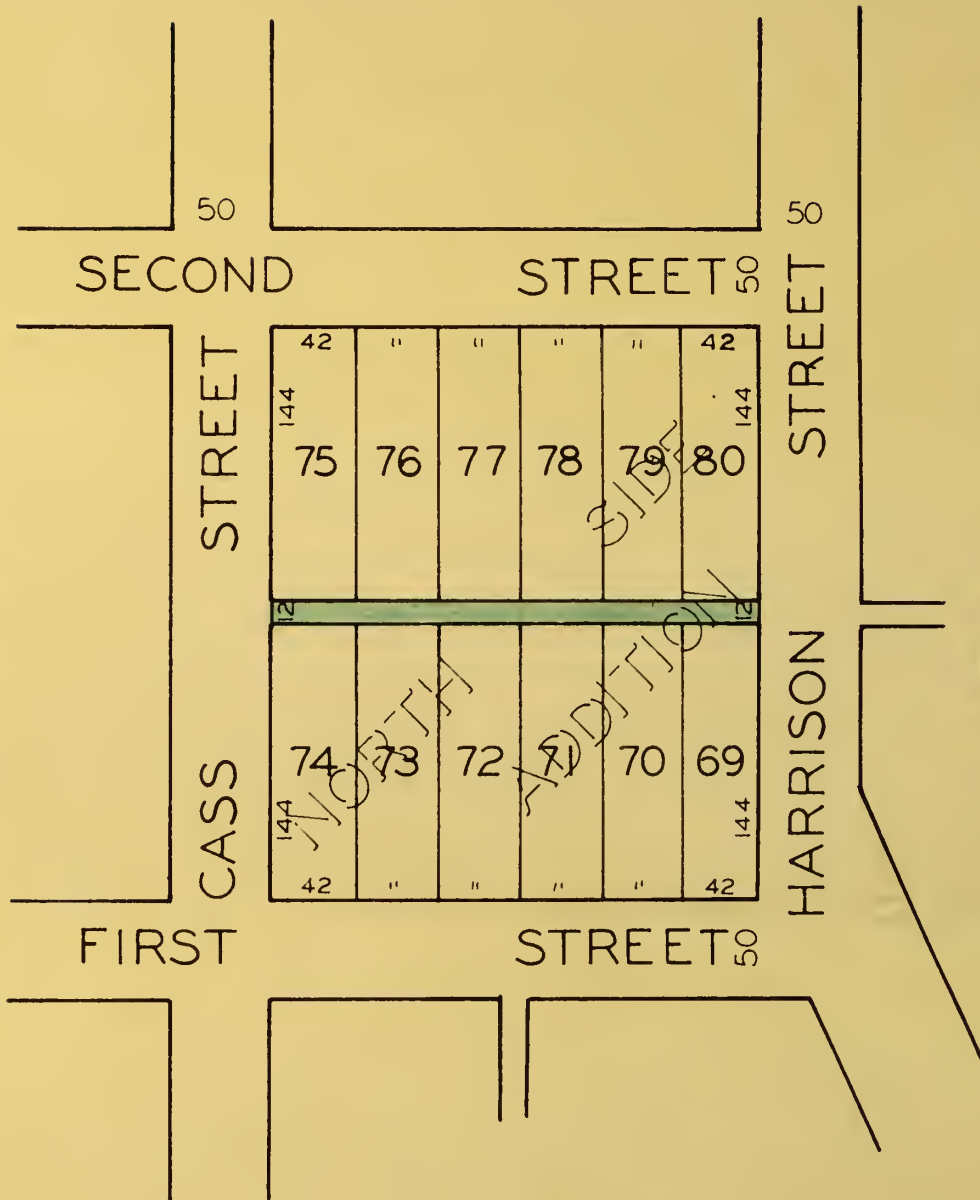
ADOPTED THIS 25 DAY OF March 1963

Attest: Fennell McEraw
Secretary Board of Public Works.

[Signature]
Board of Public Works.



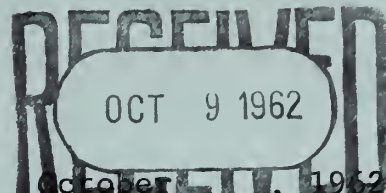
ALLEY TO BE VACATED



1101

only the map drawing was received -
it was sent to C. E.

P E T I T I O N



Fort Wayne, Ind., ~~October~~ 1962

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real

estate on First Street and Second Street, from

Cass Street to Harrison Street

respectfully petition for the passage of a resolution providing for the

Vacation of the 12-foot, east-west alley lying between
First Street and Second Street from the east right of way
line of Cass Street to the west right of way line of
Harrison Street in Fort Wayne, Allen County, Indiana.

The real estate to be beneficially or adversely affected
by such action is Lot 69 to Lot 80, inclusive of North
Side Addition to the City of Fort Wayne, Indiana.

WILLIAM SCHEELE AND SONS COMPANY, INC.

By: Richard E. Scheele
(Richard E. Scheele, President)

By: Marcella E. Scheele
(Marcella E. Scheele, Secretary)

TEEM REALTY AND RENTAL CO., INC.

By: Marcella E. Scheele
(Marcella E. Scheele, President)

By: Richard E. Scheele
(Richard E. Scheele, Treasurer)

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 195-'62

Date 44-383-4 Oct. 10, 1962

To City Engineer

Subject Vacation - Alley between FIRST ST. & SECOND ST.

Received petition for the Vacation of the 12' east-west alley between First Street and Second Street from the east right of way line of Cass Street to the west right of way line of Harrison Street.

Prepare an opinion, after conferring with all Governmental Agencies and Utilities.

Paul F. Roembke
C. L. Sidle
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
attach copy of petition & drawing
cc: Mayor Burns

NOTED

☒ P.F.R.

☒ C.L.S.

☐ B.W.

Date 3/26/63

Signed _____

Reply:

March 21, 1963

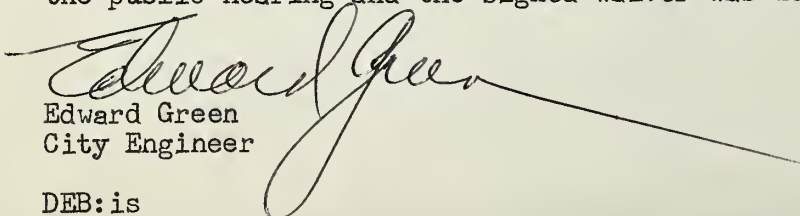
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Declaratory resolution, drawing and property ownership list completed and attached.

It will not be necessary to hold a public hearing as we have obtained a signed waiver which is attached. All Utility Companies have advised they will no longer require an easement.

The Sewer Engineering Department conditioned their release upon the removal of a catch basin at the alley intersection and Cass Street at the petitioners expense. They have agreed to do this per the attached letter from their attorney, William P. Fagan.

The reason this project has been delayed is because the petitioner wanted to waive the public hearing and the signed waiver was not returned to us until yesterday.


Edward Green
City Engineer

DEB:is
attachs.

BOARD OF PUBLIC WORKS

RECEIVED
MAR 22 1963

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

LAW OFFICES

CAMPBELL, LIVINGSTON, DILDINE & HAYNIE

LINCOLN TOWER

FORT WAYNE 2, INDIANA

ALEXANDER M. CAMPBELL
VON E. LIVINGSTON
RICHARD S. TEEPLE
1913-1950
WARD E. DILDINE
GILMORE S. HAYNIE
THOMAS W. YODER
WILLIAM P. FAGAN
DAVID B. KELLER
MACLYN T. PARKER
J. PHILIP BURT
MILFORD M. MILLER, JR.

TELEPHONE
ANTHONY 6102

March 19, 1963

Mr. Donald E. Bodeker
Assistant City Engineer
City Engineer's Office
425 South Calhoun Street
Fort Wayne, Indiana

Re: Vacation of Alley from
Cass to Harrison between
First and Second Streets

Dear Don:

Enclosed herewith please find the original and one carbon copy of the Waiver of Notice executed by all of the owners of real estate abutting the above-described alley. It is our hope and expectation that this waiver will be sufficient to have the public hearing waived and the alley vacated without public hearing.

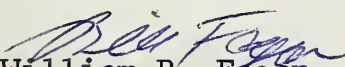
I have discussed with Mr. Scheele the expense of removing the sewer catch basin at the west end of the above-described alley and he has agreed that William Scheele and Sons Company, Inc., one of the petitioners, will bear the expense of having that catch basin removed. It is our expectation that removal of the catch basin will be accomplished by the contractor who constructs the building over the alley after it is vacated.

We are very desirous of proceeding with this matter as expeditiously as possible and, if I may be of any further service in furnishing you with any other instruments or documents which you may desire or need, please do not hesitate to contact me.

Very truly yours,

CAMPBELL, LIVINGSTON, DILDINE & HAYNIE

By


William P. Fagan

WPF:bh
Enclosures

1101

City of Fort Wayne



OFFICE OF
CITY PLAN COMMISSION

FORT WAYNE, INDIANA

425 SOUTH CALHOUN STREET

November 30, 1962

Mr. Donald E. Bodeker
Office Engineer
City Engineers Office
Fort Wayne, Indiana

Dear Don:

We have reviewed the proposed vacation of the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street and have no objection to the proposed vacation for the following reasons:

1. It is our understanding that all of the property within the block involved will be owned by one corporation; consequently, the vacation of this alley would tie together several lots into one large tract which could be used to a better advantage.
2. The alley serves no useful purpose to the city as a whole from the standpoint of circulation of traffic.
3. If the alley is vacated, this would be approximately 250 feet less alley that the city would have to maintain.

For the above reasons, it would be our recommendation that subject to all utility easement requirements that the alley be vacated.

Sincerely,

CITY PLAN COMMISSION

William J. Jones
William J. Jones
Planning Director

WJJ:mo

cc: Mayor Paul M. Burns

1101

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

45-160-6

Date March 25, 1963

B.O. 195-'62

To City Engineer

Subject Dec. Res. 1101-1963 Vacation alley between First and Second Streets

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Paul F. Roembke
C. L. Sidle
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
attach Res. & P. O. List
cc: Mayor Burns

Waiver

NOTED

☐ P.F.R.
☐ C.L.S.
☐ B.W.

Date _____

Signed _____

Reply:

March 29, 1963

Assessment roll of Benefits and Damages completed and attached.

Edward Green
Edward Green
City Engineer

DEB:is
attachs.

BOARD OF PUBLIC WORKS

APR 2 1963

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

ENGINEERING
DEPT. OF STREETS

2
62-2-6
DATE February 5, 1963

BOARD OF PUBLIC WORKS

TO: Board of Public Works

FEB 5 1963

SUBJECT: B.O. No. 195-1962

Re: Vacation of the alley between First Street and Second Street
from the west property line of Harrison Street to the east
property line of Cass Street.

For your information, this office has not received an easement
release from General Telephone Company on the above described
alley vacation. They are presently negotiating with the petitioner
regarding the cost of moving their facilities.

NOTED

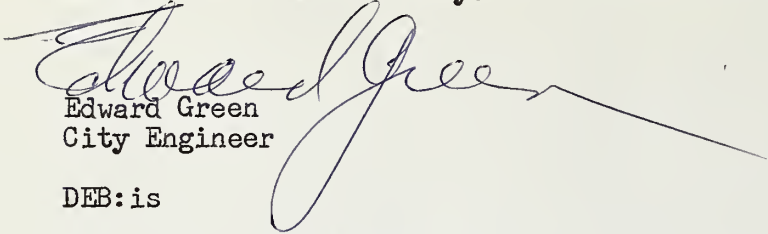
☒ P.F.R.

☒ C.L.S.

☒ B.W.

A Declaratory Resolution will be forwarded when we are advised an
easement is not necessary.

Date 2/6/63


Edward Green
City Engineer

DEB:is

cc: Mayor Paul M. Burns

February 5, 1963

Mr. Edward Green
City Engineer
425 South Calhoun Street
Fort Wayne, Indiana

Subject: Rights-of-Way - General

Dear Mr. Green:

Mr. Richard Schoele of the William Schoele & Sons Company, 1207 N. Harrison Street has accepted the billing for the rearrangement of our telephone facilities in order to vacate the alley north of First Street between Harrison and Cass Streets.

Upon the completion of these rearrangements, we will have no requirement for an easement in this alley location.

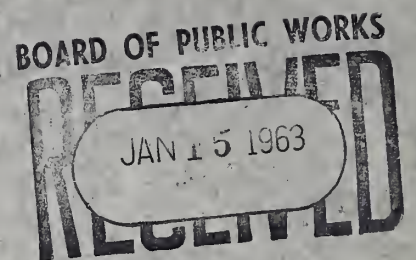
Yours truly,

C. E. LEUBENBERGER
Division Engineer

CC to Mayor Burns
Board of Works ✓

CEL CLK

C
O
P
Y



January 14, 1963

General Telephone Company of Indiana
303 East Berry Street
Fort Wayne, Indiana

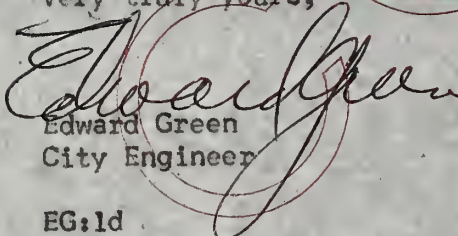
Attention: Mr. Charles Leuenberger
Engineering Department

Dear Sir:

I have your post card reply in which you state that you require an easement if the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street is vacated.

We note considerable work going on which indicates that you are relocating your facilities. Will you please now advise whether or not your requirements have changed to the extent that you do not require an easement in this alley location.

Very truly yours,



Edward Green
City Engineer

EG:ld

cc: Mayor Burns
Board of Works

BOARD OF PUBLIC WORKS
RECEIVED
JAN 15 1963

January 14, 1963

Indiana and Michigan Electric Co.
2101 Spy Run Avenue
Fort Wayne, Indiana

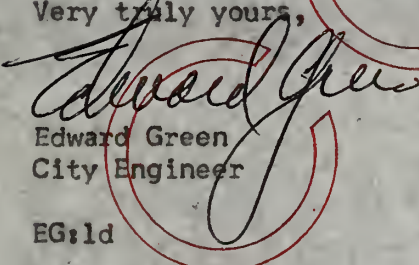
Attention: Mr. G.L. Bridgewater

Dear Sir:

I have your post card reply in which you state that you require an easement if the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street is vacated.

We note considerable work going on which indicates that you are relocating your facilities. Will you please now advise whether or not your requirements have changed to the extent that you do not require an easement in this alley location.

Very truly yours,


Edward Green
City Engineer

EG:ld

cc: Mayor Burns
Board of Works ✓

B.O. 195-'62

December 11, 1962

City Engineer

VACATION - Alley between First Street and Second St. from the east right of way line of Cass Street to the west right of way line of Harrison Street.

You received copy of a letter addressed to the Board of Public Works from William P. Fagan in connection with the above subject.

The Board requests that you investigate and report the various details in connection with said vacation.

—, Clerk

BOARD OF PUBLIC WORKS

KM:ms

cc: Mayor Burns

ALEXANDER M. CAMPBELL
VON E. LIVINGSTON
RICHARD S. TEEPLE
1913-1950
WARD E. DILDINE
GILMORE S. HAYNIE
THOMAS W. YODER
WILLIAM P. FAGAN
DAVID B. KELLER
MACLYN T. PARKER
J. PHILIP BURT
MILFORD M. MILLER, JR.

LAW OFFICES
CAMPBELL, LIVINGSTON, DILDINE & HAYNIE
LINCOLN TOWER
FORT WAYNE 2, INDIANA

December 6, 1962

4
107
NOTED

☒ P.F.R.

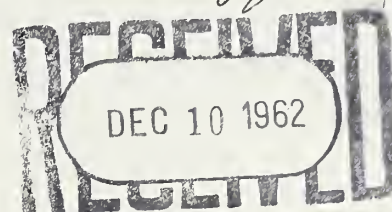
☒ C.L.S.

☒ B.W.

TELEPHONE
ANTHONY 6102

Date

12/11/62 jf.v.



Board of Public Works
City of Fort Wayne
City Hall
Fort Wayne, Indiana

Re: Board Order No. 195-1962

Gentlemen:

With reference to the petition filed with you on October 9, 1962 by William Scheele and Sons Company, Inc. and Teem Realty and Rental Co., Inc. petitioning for the vacation of the east-west alley between First and Second Streets from the west property line of Harrison Street to the east property line of Cass Street, Fort Wayne, Indiana, we have been advised by the engineering department that the sewer which is in that alley terminates at the western extremity of the alley and serves only the property owned by the petitioners.

As attorney for both petitioners, we would respectfully petition that the said petitioners be permitted to assume ownership of and responsibility for the maintenance of the said sewer. Such action would be in the public interest since it would relieve the City of the cost of maintaining a sewer that exists only for the benefit of the petitioners and would be in my client's interest since it would remove the necessity of granting an easement in the alley for sewer purposes.

Since all property using this sewer is used jointly to conduct the business of William Scheele and Sons Company, Inc., which is an affiliate of Teem Realty

CAMPBELL, LIVINGSTON, DILDINE & HAYNIE

Board of Public Works
December 6, 1962
Page 2

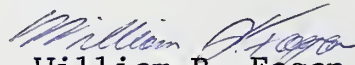
and Rental Co., Inc. and the property which is not owned by William Scheele and Sons Company, Inc., is under long term lease to that corporation, it is not foreseeable that the property utilizing this sewer will ever again be sold in parcels.

Your cooperation in considering this petition and advising me of the results thereof would be greatly appreciated.

Very truly yours,

CAMPBELL, LIVINGSTON, DILDINE & HAYNIE

By


William P. Fagan

WPF:JP

cc: Edward Green
City Engineer

Donald Boderer
City Engineering Dept.

Patrick Sidney Smith
Chief Engineer of Sewer Engineering

RECEIVED
NOV 15 1962
RECEIVED

November 15, 1962

Northern Indiana Public Service Company
Indiana & Michigan Electric Company
General Telephone Company of Indiana

We have received a petition to vacate the alley
between First Street and Second Street from the west property line
of Harrison Street to the east property line of Cass Street.

Please check your easement requirements on the
enclosed post card and return it to us as soon as possible.

Very truly yours,

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:ls
attach.

cc: Mayor Paul M. Simon
Board of Public Works
(Board Order 125-1962)

November 15, 1962

NOV 15 1962

William J. Jones
Planning Director

James T. White
Traffic Engineer

Please submit your opinion and recommendation on
the following proposed vacation:

The vacation of the alley between First Street and
Second Street from the west property line of Harrison Street to
the east property line of Cass Street.

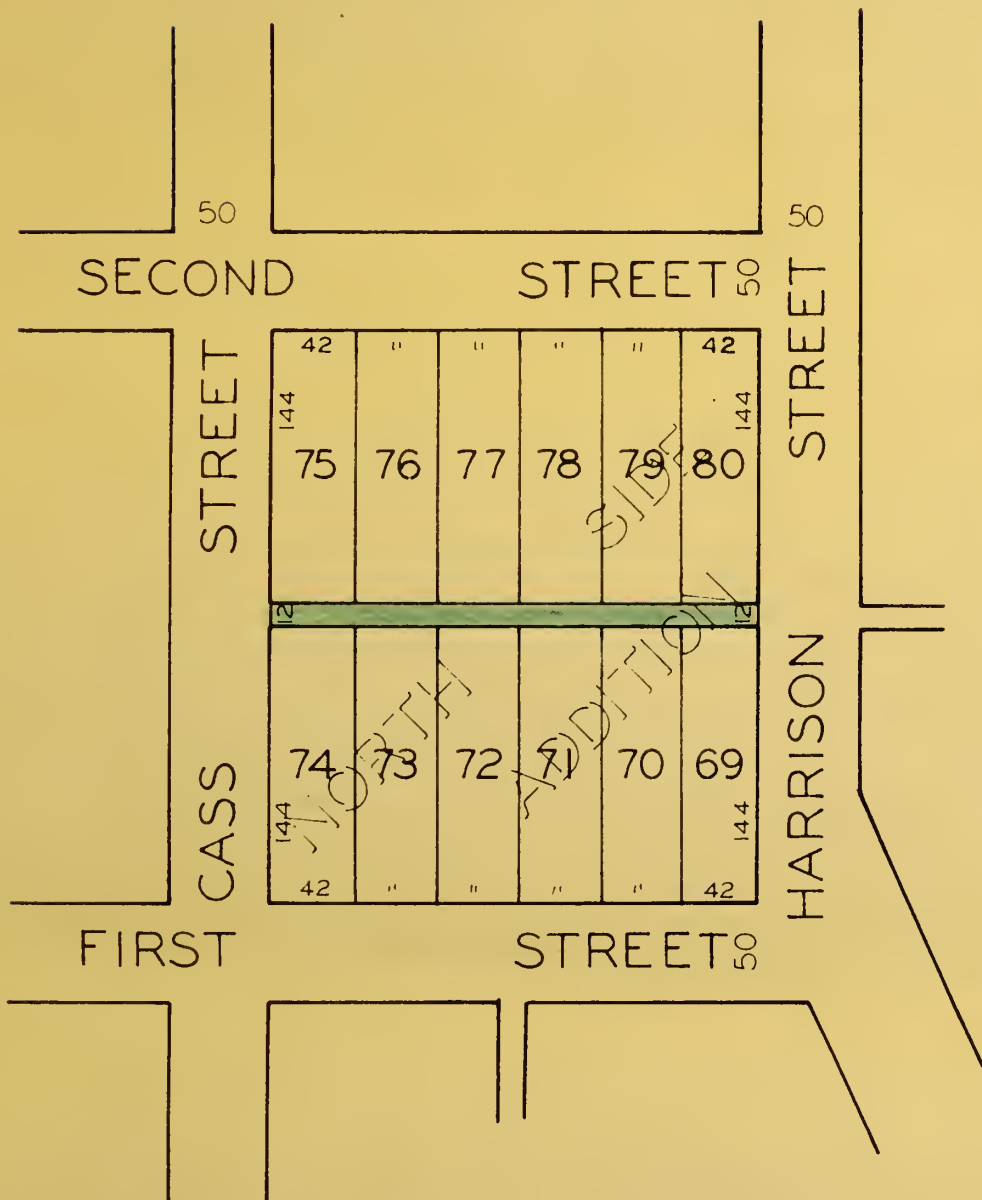
Donald E. Bodeker
Donald E. Bodeker
Office Manager

DWB:ls

cc: Mayor Paul M. Burns
Board of Public Works
(Board Order 195-1962)



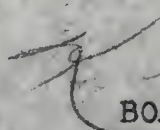
ALLEY TO BE VACATED



RECEIVED
NOV 15 1962
RECEIVED

THIS IS TO CERTIFY the attached is a true copy of Declaratory Resolution No. 1101-1963 for the Vacation of the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street.

Said Resolution was adopted by the Board of Public Works March 25, 1963, and Assessment Roll was confirmed on April 3, 1963.

 Kenneth M. Linn, Clerk
BOARD OF PUBLIC WORKS

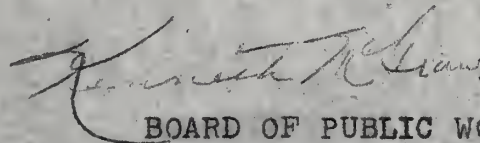
KM:ms

enc.

Original sent to Wm. Lagan 4/18/63

THIS IS TO CERTIFY the attached is a true copy of Declaratory Resolution No. 1101-1963 for the Vacation of the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street.

Said Resolution was adopted by the Board of Public Works March 25, 1963, and Assessment Roll was confirmed on April 3, 1963.

 Clerk
BOARD OF PUBLIC WORKS

KM:ms

enc.

WAIVER

We, the undersigned, who are all of the property owners which may be injuriously or beneficially affected by the proposed vacation of an alley described as follows, to-wit:

The vacation of the alley between First Street and Second Street from the west property line of Harrison Street to the east property line of Cass Street,

which proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. 1101, do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, do waive our right to a hearing on said resolution and do waive our rights to file or present in any way any remonstrance against the action taken by said Board of Public Works under said resolution; and we do all and each of us hereby agree that said Board of Public Works may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and we further agree that such action so taken shall be final and conclusive on us and each of us.

WM. SCHEELE & SONS, CO.

Dated this 15th day of March, 1963.

By *Richard E. Scheele Pres*

By *Marcella Scheele*

Lots No. 69, 70, 71, 72,
73, 74, 78, 79 and 80
North Side Addition

TEEM REALTY & RENTAL CO., INC.

Lot No. 77
North Side Addition

By *Marcella Scheele Pres.*

By *Lillian Kellough*

Ethel Hazel Norris
Ethel Hazel Norris, widow
of Walter Yale Norris

S. 40 feet of Lots 75 and 76
North Side Addition

Improvement Resolution No. ¹¹⁰¹101-1963 For THE VACATION OF THE ALLEY BETWEEN FIRST STREET AND SECOND STREET FROM THE WEST PROPERTY LINE OF HARRISON STREET TO THE EAST PROPERTY LINE OF CASS STREET.

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	WM. SCHEELE & SONS CO.	Wm. Fagan % 425 Lincoln Bank Tower		69			NORTH SIDE ADDITION
2	" "	" "		70			"
3	" "	" "		71			"
4	" "	" "		72			"
5	" "	" "		73			"
6	" "	" "		74			"
7	" "	" "		78			"
8	" "	" "		79			"
9	" "	" "		80			"
10	TEEM REALTY & RENTAL CO. INC.	" "		77			"
11	NORRIS, WALTER TALE & ETHEL HAZEL	" "		75-S. 40'			"
12	" "	" "		76-S. 40'			"
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